

105TH CONGRESS
2D SESSION

S. 2066

To reduce exposure to environmental tobacco smoke.

IN THE SENATE OF THE UNITED STATES

MAY 12, 1998

Mr. CHAFEE introduced the following bill; which was read twice and referred
to the Committee on Environment and Public Works

A BILL

To reduce exposure to environmental tobacco smoke.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EDUCATION AND OUTREACH.**

4 (a) STATE PROGRAM.—

5 (1) IN GENERAL.—The Administrator of the
6 Environmental Protection Agency (referred to in
7 this Act as the “Administrator”) shall provide funds
8 to each State for the purpose of enabling such
9 States to conduct education and outreach activities
10 relating to the health-related effects on children of
11 exposure to environmental tobacco smoke.

1 (2) AMOUNT.—From amounts made available
2 under subsection (d)(1) for each fiscal year, the Ad-
3 ministrator shall provide to a State an amount that
4 bears the same ratio to such available amounts as
5 the population of the State bears to the total popu-
6 lation of all States.

7 (3) USE OF FUNDS.—A State shall use
8 amounts received under this subsection to carry out
9 activities consistent with the purpose of paragraph
10 (1).

11 (4) MINIMUM AMOUNT.—In providing funds to
12 each State under this subsection, the Administrator
13 shall ensure that no State receives less than $\frac{1}{2}$ of
14 1 percent of the amount available under subsection
15 (e)(1) for a fiscal year for grants under this sub-
16 section.

17 (5) MAXIMUM AMOUNT.—In providing funds to
18 each State under this subsection, the Administrator
19 shall ensure that no State receives more than $2\frac{1}{2}$
20 percent of the amount available under subsection
21 (e)(1) for a fiscal year for grants under this sub-
22 section.

23 (b) NATIONAL EDUCATION AND OUTREACH CAM-
24 PAIGN.—The Administrator shall use amounts made avail-
25 able under subsection (d)(2) in each fiscal year to estab-

1 lish a national education and outreach campaign relating
2 to the effect on individuals of exposure to tobacco smoke
3 and ways to minimize such exposure. In establishing such
4 campaign, the Administrator shall—

5 (1) focus on children's exposure to environ-
6 mental tobacco smoke in the home; and

7 (2) coordinate activities with the Secretary of
8 Health and Human Services and other Federal
9 agencies as determined appropriate by the Adminis-
10 trator.

11 (c) PEER REVIEW.—The Administrator shall use
12 amounts made available under subsection (d)(3) in each
13 fiscal year to carry out research, and provide for peer re-
14 view studies of research, related to the exposure of individ-
15 uals to environmental tobacco smoke.

16 (d) FUNDING.—The Administrator shall use amounts
17 available for each fiscal year from any Trust Fund estab-
18 lished as part of a national settlement on tobacco litigation
19 to carry out this section. With respect to such amounts
20 for any fiscal year, the Administrator shall utilize—

21 (1) \$185,000,000 for each fiscal year to carry
22 out subsection (a);

23 (2) \$10,000,000 for each fiscal year to carry
24 out subsection (b); and

1 (3) \$5,000,000 for each of the fiscal years 1999
 2 through 2008 to carry out subsection (c).

3 (e) SUNSET.—This section shall not apply after the
 4 expiration of the 25-year period beginning on the date of
 5 enactment of this Act.

6 **SEC. 2. PREEMPTION.**

7 The provisions of this Act shall not preempt any pro-
 8 vision of State or local law that provides greater restric-
 9 tions than those required in this Act.

10 **SEC. 3. COVERAGE OF FEDERAL BUILDINGS.**

11 (a) IN GENERAL.—The provisions of Executive Order
 12 13058 (62 FR 43451; August 13, 1997) shall apply to
 13 all facilities owned, rented, or leased by the executive, judi-
 14 cial, or legislative branches of the Federal Government (in-
 15 cluding independent agencies) and in any outdoor areas
 16 under executive, judicial or legislative branch control.

17 (b) ENFORCEMENT.—The enforcement of the provi-
 18 sions described in subsection (a) shall be carried out by—

19 (1) in the case of facilities or areas to which
 20 subsection (a) applies that are under executive
 21 branch control, the head of the Federal agency in-
 22 volved;

23 (2) in the case of facilities or areas to which
 24 subsection (a) applies that are under judicial branch

1 control, the Director of the Administrative Office of
 2 the United States Courts; and

3 (3) in the case of facilities or areas to which
 4 subsection (a) applies that are under legislative
 5 branch control, the Congressional Office of Compli-
 6 ance.

7 **SEC. 4. PROHIBITIONS AGAINST SMOKING ON SCHEDULED**
 8 **FLIGHTS.**

9 (a) IN GENERAL.—Section 41706 of title 49, United
 10 States Code, is amended to read as follows:

11 **“§ 41706. Prohibitions against smoking on scheduled**
 12 **flights**

13 “(a) SMOKING PROHIBITION IN INTRASTATE AND
 14 INTERSTATE AIR TRANSPORTATION.—An individual may
 15 not smoke in an aircraft on a scheduled airline flight seg-
 16 ment in interstate air transportation or intrastate air
 17 transportation.

18 “(b) SMOKING PROHIBITION IN FOREIGN AIR
 19 TRANSPORTATION.—The Secretary of Transportation
 20 shall require all air carriers and foreign air carriers to pro-
 21 hibit, on and after the 120th day following the date of
 22 the enactment of this section, smoking in any aircraft on
 23 a scheduled airline flight segment within the United States
 24 or between a place in the United States and a place out-
 25 side the United States.

1 “(c) LIMITATION ON APPLICABILITY.—With respect
2 to an aircraft operated by a foreign air carrier, the smok-
3 ing prohibitions contained in subsections (a) and (b) shall
4 apply only to the passenger cabin and lavatory of the air-
5 craft.

6 “(d) REGULATIONS.—The Secretary shall prescribe
7 regulations necessary to carry out this section.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the 60th day following
10 the date of the enactment of this Act.

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